IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.12.2007

CORAM

THE HON'BLE MR.JUSTICE P.JYOTHIMANI

W.P.No.35463 of 2007
and
M.P.No.1 of 2007

J. Rahamathulla Khan
Correspondent
J.K.M. Matriculation School
Door No.6/558, Pozhichalur Main Road
Pozhichalur, Chennai-74 .... Petitioner

vs

1. Director,
   Directorate of Matriculation Schools
   College Road, Chennai-6

2. Inspector of Matriculation Schools
   Kanchipuram. .. Respondents

Writ Petition filed Under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus for the relief as stated therein.

For petitioner : Mr.N. Kannan
For respondents : Ms.Dakshayani Reddy, GA

ORDER

The petitioner seeks a Writ of Certiorarified Mandamus to call for the records of the 1st respondent relating to the impugned order passed in his Proceedings M.M.No.9754/E4/2005 dated 12.10.2007 and quash the same as illegal and direct the 1st respondent to grant recognitiion to the petitioner school.

2. Under the said impugned order, the 1st respondent has rejected the claim of the petitioner Institution to recognise it for conducting classes from I to X Standard due to various reasons including that the petitioner has not acquired the required extent of 3 acres of land, class rooms are not ventilated property, no library is provided, no lavatory facility is provided and that a house has been converted into school. Apart from this, from VI to X standard, only 30 students are studying and in X standard, only one student is studying and in view of the above, the claim of the petitioner was rejected.

3. The 2nd respondent has filed counter affidavit, in which, it is stated that safety and security of the students with sufficiency

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

of land is utmost important based on the recommendations and directions of Justice SAMPATH's Committee. According to the respondents, Pozhichalur, where the Institution is situate is a major Panchayat and it is not coming in the Metropolitan City and therefore, requirement of 3 acres of land is necessary as per G.O. (2D).No.48 dated 21.7.2004. It is also stated that the petitioner was granted time to comply with the requirements upto 31.5.2004, but inspite of that, the requirements have not been complied with.

4. It is the further case that when there is only one student studying in X standard, there is no question of saying that the petitioner Institution has got 100% pass and in respect of Classes VI to X there were totally 30 students.

5. Mr.Kannan, learned counsel for the petitioner submits that as per G.O.(2D).No.48 dated 21.7.2004, three years must be given to the managements to satisfy the land area condition, which is the minimum requirement. He also submits that when the time of three years given under the above said G.O has expired, it was the duty of the respondent to give notice to the petitioner and the same has not been complied with. He also submits that the petitioner is prepared to comply with the various requirements, if sufficient time is given.

6. On the other hand, the learned counsel for the respondents submits that as per the learned counsel for the petitioner even though number of students are stated to be studying in the Institution, truth came to limelight that only 30 students are studying from VI to X standard and only one student is studying in X standard. She also submits that the requirement of the three years is a condition precedent and therefore, according to the learned counsel for the respondents, the impugned order has been passed only based on the existing position and taking into consideration of safety and security of the students.

7. I have heard the learned counsel for petitioner and the learned counsel for the respondents and perused the materials available on record. The petitioner's Institution is an unaided Institution and it requires recognition from the respondents in the interest of the students. No recognition has been given to the petitioner's school at all. It is even the admitted case of the petitioner that after passing of G.O. (2D).No.48 dated 21.7.2004, which contained a period of three years to the Institution for complying with various requirements, however, it is not in dispute that even after the completion of three years, the petitioner's Institution has not acquired the necessary lands.

8. In view of the above said facts, I am of the considered view that this not a fit case, where this Court should interfere with the impugned order of the 1st respondent dated 12.10.2006.

9. It is made clear that the respondents shall take necessary steps to see that the students who are undergoing course in the Petitioner's Institution be transferred to some other school, so as

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

to enable them to write the ensuing examinations for the academic year 2007-2008.

10. It is open to the petitioner to make fresh proposal for the purpose of recognition for the next Academic Year after complying with the various requirements as per the impugned order and the respondents shall consider and pass orders thereon, expeditiously.

11. With the above observations, the petition stands dismissed. No costs. Consequently, the connected W.P.M.P is closed.

sr

Sd/
Asst. Registrar

/true copy/

Sub Asst.Registrar

To

1. The Director,
   Directorate of Matriculation Schools
   College Road, Chennai-6

2. The Inspector of Matriculation Schools
   Kanchipuram

+ One cc to Mr. V.T. Balaji, Advocte SR 73406
+ One cc to Govt Pleader SR 73717
MDR (co)
sg 02/01/08

W.P.NO.35463/2007
12-12-2007

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/